

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
LIDIA RODRIGUES, ON BEHALF OF  
HERSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

\_\_\_\_\_  
MENU FOODS, INC., MENU FOODS  
MIDWEST CORPORATIONS, MENU  
FOODS INCOME FUND, MENU FOODS  
LIMITED.

Defendants.

CASE NO.:

**STIPULATION AND [PROPOSED] ORDER STAYING ALL PROCEEDINGS AND  
FOR PRESERVATION OF EVIDENCE**

WHEREAS, this case is one of over ninety (90) putative class actions filed in several courts throughout the country for damages and injunctive relief, arising from the manufacture, distribution and/or sale of pet food products by Defendant Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, and Menu Foods Limited (Collectively referred to as "MENU FOODS").

WHEREAS, the Menu Foods defendants have filed a Motion for Coordinated Pre-Trial Proceedings pursuant to 28 U.S.C. §1407 and Rule 7.1(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation for an order transferring and consolidating all cases involving alleged injuries to animals currently pending in federal courts and any subsequently filed or "tag along" actions to the United States for the Northern District Court for the Northern District of Illinois, Eastern Division. (Exhibit A, Defendants' Motion for Coordinated Pre-Trial Proceedings Pursuant to 28 U.S.C. § 1407).

WHEREAS, the MDL Panel will determine whether all actions, including this action, should be transferred and coordinated and/or consolidated under 28 U.S.C. § 1407 for pretrial

proceedings. The MDL Panel held a hearing on May 31, 2007 in Las Vegas, Nevada and the matter is currently pending (Exhibit B, Notice of Hearing Session); and

WHEREAS, the parties believe that in the short intervening time between now and a decision by the MDL Panel on transfer and coordination and/or consolidation, a stay of these proceedings will conserve party and judicial resources.

IT IS HEREBY STIPULATED by and between the Plaintiff and Defendants, Menu Foods Income Fund, Menu Foods, Inc., and Menu Foods Midwest Corporation, through their designated counsel that this matter, including the deadlines for the parties to participate in class certification and other pretrial proceedings, be stayed pending the establishment of *In re: Pet Food Products Liability Litigation*, MDL Docket No. 1850, and the potential subsequent transfer of this case for coordinated pretrial proceedings with other actions pending throughout the country.

All parties shall, during the pendency of the stay of this matter, comply with their duty to preserve all evidence that may be relevant to this action. This duty extends to documents, electronic data, and tangible things in the possession, custody and control of the parties to this action. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be the subject of discovery under Fed. R. Civ. P. 26, 45 and 56(e) in this action. Preservation includes taking responsible steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well and negligent or intentional handling that would involve the routine destruction, recycling, relocation, or mutation of materials, the party must, to the extent practicable for the pendency of this order, either:

- i. halt such business practices;
- ii. sequester or remove such material from the business process; or
- iii. arrange for preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

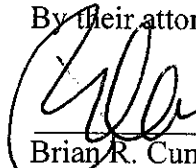
IT IS SO STIPULATED

Dated:

Respectfully submitted

Plaintiffs',

By their attorney,



Brian R. Cunha, Esq.  
311 Pine Street  
Fall River, MA 02720  
(508)675-9500

Dated:

6/13/07

Respectfully submitted

Defendants',

By their attorney,

Richard J. Shea / max



Richard J. Shea, BBO: #456310  
Maureen E. Lane, BBO: #645312  
Melick, Porter & Shea, LLP  
28 State Street, 22nd Floor  
Boston, Massachusetts 02109  
Telephone: (617) 523-6200  
Facsimile: (617) 523-8130

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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THE HONORABLE  
UNITED STATES DISTRICT COURT JUDGE